

1 BILL NO. S-81-12- 05.

2 SPECIAL ORDINANCE NO. S-296-81

3 ORDINANCE AUTHORIZING THE CITY OF
4 FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
5 REVENUE BOND
(LINCOLN PRINTING CORP. PROJECT)"
6 AND APPROVING OTHER ACTIONS IN RESPECT THERETO

7 WHEREAS, the Fort Wayne Economic Development Commission has
8 rendered its Project Report for the Lincoln Printing Corp.
9 Project regarding the financing of proposed economic development
10 facilities for Lincoln Printing Corp., and the Fort Wayne Plan
11 Commission has commented favorably thereon; and

12 WHEREAS, the Fort Wayne Economic Development Commission
13 conducted a public hearing on December 3, 1981, and also
14 adopted a resolution on December 3, 1981, which Resolution has
15 been transmitted hereto, finding that the financing of certain
16 economic development facilities of Lincoln Printing Corp. complies
17 with the purposes and provisions of I.C. 36-7-12 and that such
18 financing will be of benefit to the health and welfare of the
19 City of Fort Wayne and its citizens; and

20 WHEREAS, the Fort Wayne Economic Development Commission has
21 heretofore approved and recommended the adoption of this form
22 of Ordinance by this Common Council and has approved the forms
23 of and has transmitted for approval by the Common Council the
24 Loan Agreement and Security Agreement, Bond Purchase Agreement
25 and Trust Indenture, Note, and Bond; now therefore,

26 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
27 WAYNE, INDIANA THAT:

28 SECTION 1. It is hereby found that the financing of the
29 economic development facilities referred to in the Loan
30 Agreement and Security Agreement and Bond Purchase Agreement and
31 Trust Indenture approved by the Fort Wayne Economic Development
32 Commission and presented to the Common Council, the issuance
and sale of revenue bond, the loan of the proceeds of the revenue

1 bond to Lincoln Printing Corp. for the acquisition and construc-
2 tion of such facilities and the equipping thereof, the payment
3 of the revenue bond by the note payments of Lincoln Printing
4 Corp. under the Loan Agreement and Security Agreement and Note,
5 and the securing of said Bond by the granting of a security
6 interest in the equipment included in the Project to the City
7 of Fort Wayne, under the Loan Agreement and Security Agreement,
8 which Loan Agreement and Security Agreement is assigned,
9 transferred and pledged to the Bondholder pursuant to the Bond
10 Purchase Agreement and Trust Indenture, complies with the purposes
11 and provisions of I.C. 36-7-12 and will be of benefit to the
12 health and welfare of the City of Fort Wayne and its citizens.

13 SECTION 2. The substantially final forms of the Loan
14 Agreement and Security Agreement, Bond Purchase Agreement and
15 Trust Indenture, Note, and Bond, approved by the Fort Wayne
16 Economic Development Commission are hereby approved and all such
17 documents (herein collectively referred to as the "Financing
18 Agreement" referred to in I.C. 36-7-12), are hereby approved,
19 and all such documents shall be incorporated herein by reference
20 and shall be inserted in the minutes of the Common Council and
21 kept on file by the Clerk. In accordance with provisions of
22 I.C. 36-1-5-4 two (2) copies of all such documents are on file
23 in the office of the Clerk for public inspection.

24 SECTION 3. The City of Fort Wayne shall issue its Economic
25 Development Revenue Bond (Lincoln Printing Corp. Project), in
26 the total principal amount of Four Hundred Fifty Thousand
27 Dollars (\$450,000.00) and maturing February 1, 1992, for the
28 purpose of procuring funds to pay the costs of acquisition,
29 construction and equipping of the economic development facilities
30 as more particularly set out in the Loan Agreement and Security
31 Agreement, and Bond Purchase Agreement and Trust Indenture
32 incorporated herein by reference, which bond will be payable

as to principal, premium, if any, and interest from the note payments made by Lincoln Printing Corp. under the Loan Agreement and Security Agreement and Note or as otherwise provided in the above described Loan Agreement and Security Agreement and Bond Purchase Agreement and Trust Indenture. The Bond is issued in a fully registered form in the principal sum of \$450,000.00; may be assigned and transferred pursuant to Section 15 of the Bond Purchase Agreement and Trust Indenture; payments of principal and interest are payable in lawful money of the United States of America in immediately available funds to the bondholder; and shall be redeemed as provided in Section 4 of the Bond Purchase Agreement and Trust Indenture. The Bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 4. The Mayor, Clerk, and Controller are authorized and directed to sell such bond to the purchaser thereof at a rate of interest per annum on the Bond not to exceed 70% of the prime commercial lending rate announced by Lincoln National Bank and Trust Company of Fort Wayne at its principal office, as such rate changes from date to date (except in the event of a Determination of Taxability, as set forth in the Loan Agreement and Security Agreement and Bond Purchase Agreement and Trust Indenture), and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor, Clerk, and if necessary, the Controller, are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and Clerk on the Bond may be either manual or facsimile signature. The Clerk

1 is authorized to arrange for delivery of such Bond to the Trustee
2 named in the Trust Indenture, payment for the Bond will be made
3 to the Trustee named in the Trust Indenture, and after such
4 payment the Bond will be delivered by the Trustee to the purchas-
5 er thereof. The Mayor and Clerk shall execute and the Clerk
6 shall deliver the Bond to the Trustee within ninety days of the
7 adoption of this Ordinance. The Bond shall be dated as of the
8 date of delivery.

9 SECTION 6. The provisions of this Ordinance and the Trust
10 Indenture securing the Bond shall constitute a contract binding
11 between the City of Fort Wayne and the holder of the Economic
12 Development Revenue Bond (Lincoln Printing Corp. Project), and
13 after the issuance of said Bond, this Ordinance shall not be
14 repealed or amended in any respect which would adversely affect
15 the rights of such holder so long as said Bond or the interest
16 thereon remains unpaid.

17 SECTION 7. This Ordinance shall be in full force and
18 effect from and after its passage and signing by the Mayor.

19
20 
21 COUNCILMAN

22 APPROVED AS TO FORM AND
23 LEGALITY.

24 
25 John J. Wernet, Attorney for the
26 Fort Wayne Economic Development Commission
27 Dated this 3d day of December, 1981.

Read the first time in full and on motion by J. Schmidt
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, 19____, the _____ day of _____,
at _____ o'clock _____ M., E.S.T.

DATE: 12-8-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Stier
seconded by Stier, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
EISBART	<u>X</u>				
GIAQUINTA	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
SCHOMBURG	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 12-22-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. A-296-81
on the 22nd day of December, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 23rd day of December, 1981, at the hour of
10:00 o'clock A M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 28th day of Dec.
1981, at the hour of 3:00 o'clock P M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-12-05

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN
ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC
DEVELOPMENT REVENUE BOND (LINCOLN PRINTING CORP. PROJECT)." AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

VIVIAN G. SCHMIDT, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

MARK E. GIAQUINTA

PAUL M. BURNS

ROY J. SCHOMBURG

Vivian G. Schmidt
James S. Stier
Mark E. Giaquinta
Paul M. Burns
Roy Schomburg
12-22-89
CONCURRED IN

DATE

CHARLES W. WETTERMAN, CITY CLERK

DIGEST SHEET

TITLE OF ORDINANCE Special S-81-12-05

DEPARTMENT REQUESTING ORDINANCE Economic Development Commission

SYNOPSIS OF ORDINANCE An Ordinance authorizing the City of Fort

Wayne to issue its Economic Development Revenue Bond (Lincoln

Printing Corp. Project), and approval of final financing documents.

An Inducement Resolution for this Project was previously adopted

by City Council.

EFFECT OF PASSAGE Permanent Financing of the Facilities.

EFFECT OF NON-PASSAGE None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None.

ASSIGNED TO COMMITTEE (PRESIDENT) _____